

### REMARKS

This application has been carefully reviewed in light of the Office Action dated April 8, 2008. Claims 1 to 16 remain in the application, of which Claims 1 and 7 are independent. Reconsideration and further examination are respectfully requested.

The specification has been amended to include headings. No new matter has been added.

In the Office Action, Claims 1 to 16 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,956,039 (Woods). The rejections are respectfully traversed and the Examiner is requested to reconsider and withdraw the rejections in light of the following comments.

The present invention concerns managing requests of different classes when, for example, downloading multimedia data from a server to a browser. In the invention, at least one request of at least a first class of requests is enabled taking account of multimedia data received from at least a second class of requests, where the requests of the second class are predictable in time. A priority is dynamically allocated to each of the enabled requests in accordance with characteristics of the enabled requests, and a priority is also dynamically allocated to each of the enabled requests of the second class in accordance with the time remaining until the next request of the second class.

Referring specifically to the claim language, Claim 1 is directed to a method of managing requests in at least two distinct classes, relating to multimedia data, exchanged by a communication apparatus and at least one data source connected through a communication network, the method performed at the communication apparatus and comprising the steps of enabling at least one request of at least a first class of requests, the

enabling taking account of the multimedia data received from at least a second class of requests, the requests of the second class being predictable in time, dynamically allocating a priority to each of the enabled requests, in accordance with characteristics of the enabled requests, and dynamically allocating a priority to each of the enabled requests of the second class in accordance with the time remaining until the next request of the second class.

Claim 7 is an apparatus claim that substantially corresponds to Claim 1.

The applied art of Woods is not seen to disclose or to suggest the features of Claims 1 and 7, and in particular, is not seen to disclose or to suggest at least the features of dynamically allocating a priority to each of the enabled requests of the second class in accordance with the time remaining until the next request of the second class.

Woods is seen to disclose a method for increasing performance by the efficient use of limited resources via incremental fetching, loading and unloading of data assets of 3D worlds based on transient asset priorities. In Woods, a priority scheme consisting of setting the priority of requests for data is used to determine the fetching, pre-fetching and caching of data assets. Priorities change over time, in particular depending on the position of the camera (col. 8, lines 1-8). The Office Action cited column 13, lines 5 to 47 of Woods as allegedly teaching the third step of Claim 1. However, the cited portion merely teaches pre-fetching and fetching requests according to the highest priority, wherein active requests are maintained in a queue, but is not seen to disclose or to suggest the feature of dynamically allocating a priority to each of the enabled requests of the second class *in accordance with the time remaining until the next request of the second*

*class*. Therefore, independent Claims 1 and 7, as well as the claims dependent therefrom, are not believed to be anticipated by Woods.

In view of the forgoing deficiencies of the applied art, Claims 1 to 16 are believed to be allowable.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Edward Kmett/

---

Edward A. Kmett  
Attorney for Applicant  
Registration No.: 42,746

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

FCIS\_WS 2266236v1